

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Eastern District of MassachusettsCivil DivisionKevin Benner (Pro-Se)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Superintendent Nelson Alves,
Drs, Doc Wellpath, Medical Staff
Classification, Doc Legal Dept D-Board
Defendant(s) Et al... Et al...

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Date: 12/11/21

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Kevin Benner Pro-Se (W114235)
2 Clark St PO Box 43
Norfolk County / Norfolk
MA, 02056

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

(1)

Injunction Defendants

- ① Nelson Alves
 ② Sandra Charles → Reside At 2 Clark St,
 ③ Emily Hoffman P.O. Box 43 NORFOLK Ma
 ④ Sara Thompson 02056
- ⑤ Wellpath → 16 Chestnut St, Suite 250,
 FOXBOROUGH, Ma 02035
- ⑥ Director of Class (MCI Cedar Junction) P.O. Box 100
John Doe" SWAPPOLE, Ma 02071
- ⑦ Director of Class (MCI NORFOLK) 2 Clark St, P.O. Box 43
Jamie Casella" NORFOLK, Ma 02056
- ⑧ Central Classification - 50 Maple St,
 Director ABBE E. Nelligan) - MILFORD, Ma 01757
- ⑨ Disciplinary Board - 2 Clark St P.O. Box 43
 (Officer Clancy) NORFOLK, Ma 02056
- ⑩ Vanessa Raffigan → 2 Clark St P.O. Box 43
 ⑪ DR Chid. Achelbe → NORFOLK, Ma 02056
- ⑫ Department of Collections - 50 Maple St
 (Suite 3) John Doe" > MILFORD, Ma
- ⑬ Department of Corrections Legal Dept,) 01757
 (RM 213 "John Doe"

(1)

- ① Sandra Charles, Emily Hoffman, Sara Thomson, Vanessa Rattigan, Dr. Chidi Achebe, — A Criminal Complaint for assault & Battery, Negligence, Abuse of power, Termination from DOC Employment. To Be Able to treat me (Also for the Walpole Medical Staff In Civil Action # CA 12269, if employed at Norfolk)
- ② Superintendent Nelson Alves, D-Board officer, (Officer Clancy) to Exonerge my D-Board Guilty Decisions And to Award Me 6 Months of good time for which IS my estimated loss for the Constitutional violations.
- ③ Doc, Doc Legal Dept, All 3 classification Defendants Are Court ordered to Reclass me And Remove Code Restrictions And Reclass me to Pondville minimum on Single Cell Status in order to Recieve Adequate Medical treatment.

Injunctive Relief Sought

Wellpath Medical Services, Court Ordered to Approve My Adult with Disability act Reasonable Accommodation for Single wet/cell, Light or no Work Order, Daily Shower Order, And order me 48 hour notice to fast Before Any Shattuck Hospital Transports, OR Court OR other Transportation ISSUES.
(All Medications Kep And Excused from all in classroom participation And Journaling only until inmates is fully Diagnosed And treated)

Date: 12-21-21

Kevin Benner pro Se
W114235
2 Clark St
P.O. Box 43
Nolfolk, Ma 02056
Kevin Benner

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

See attachment (Defendant(s))

Defendant No. 2

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

Defendant No. 3

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

Defendant No. 4

Name _____
Job or Title (*if known*) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (*if known*) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Kevin Benner pro se, is a citizen of the State of (name) Massachusetts.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Nelson Alves et al, is a citizen of the State of (name) Massachusetts. Or is a citizen of (foreign nation) _____.

- b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Damages will Be for pain & Suffering (futile medical
Bills And Loss of wages) And Attorney fees)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

These Specific
Events occurred while Incarcerated At MCI
Norfolk.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Booking Date of 3-16-21 until present from my
IS 12/11/21 (At this time)

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Injuries Due to Misdiagnoses, Deliberate Indifference, Abuse of Discretion, Cruel and Unusual Punishment, Constitutional Rights Violations, Defamation, Slander, Assault and Battery, Negligence etc By the Medical, O-Board, Classification Agents, Correctional Officers And Many Medical Staff Were Involved And Also Saw This Happening

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

In addition to the Monetary Damages I Seek I would also seek Criminal Negligence, Assault & Battery, Abuse of Discretion charges, Asking for Placement in Shattuck Medical Ward for Proper Immediate Diagnoses, Complaints to State Licensing at Medical Board, In State All good time off my Sentence That was Lost Due to These Violations.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Will Ask for Punitive & Compensatory Damages in Civil Complaint, good time, Complaints to Medical License Board (See Above) T.R.O to Be Placed to Be Immediately Transferred To The Shattuck Medical Ward for Treatment & Diagnosis These Issues Are Still Happening At this time & Date (Please See Damages for Actual Amounts in Civil Complaint filed with this Injunction Request.) Reasons will be Attorney fees, future lost wages, (future & present pain & suffering) Future medical expenses (Any Administrative Remedies) T.R.O on Defendants etc...

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

12/11/20

Signature of Plaintiff

Kevin Benner 'pro-se'

Printed Name of Plaintiff

Kevin Benner 'pro-Se'

#W114235

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
